

Received & Inspected
JUL 09 2012
FCC Mail Room

June 29, 2012

Reference CGB-CC-0420

Federal Communications Commission
Attention: CGB Room 3-B431
445 12th Street, SW
Washington, DC 20554

Re: Update of Previously Submitted Petition CGB-CC-0420 Requesting
Full Exemption from Closed Captioning Requirements ("Updated Petition")

Gentlemen:

R. C. Boyd Enterprises, LLC (the "Company") previously submitted a petition dated February 2, 2006, requesting an exemption from closed captioning requirements (the "Original Petition"). The Original Petition is CGB-CC-0420. The Original Petition was not ruled upon. Pursuant to document DA 12-514, this Updated Petition serves as an update of the information contained in the original petition.

With the current information provided in this Updated Petition, the Company is requesting an individual exemption from the closed captioning requirement because captioning would be economically burdensome. To the extent the passage of time and changed circumstances result in any inconsistency between the information herein and the information in the Original Petition, the information herein is accurate and controls.

INTRODUCTION AND OVERVIEW

R. C. Boyd Enterprises, LLC (the "Company") was formed in 2005 to purchase Honey Hole All Outdoors television, a 30-minute program currently aired at 6:30 a.m. Saturday on a secondary Fox affiliate and regionally at 5:30 a.m. on Fox cable. In addition, the Show airs on two local stations in Tyler/Lufkin, Texas at 5:00 a.m. and an independent local low power cable channel in Camp Verde, Arizona at 10:30 a.m. Sundays. The primary objective of the Honey Hole All Outdoors television program (the "Show") is to provide timely bass fishing information on Texas public lakes. Other episodes include kids and veterans fishing tournaments, a few hunting segments in the winter, and an occasional episode on other fishing outside the region.

The Company films, produces and distributes one 30-minute program, which airs weekly. The Show has 52 annual episodes and no reruns. Other than the Show and sales of DVDs of the Show, the Company does not have any other programs, assets or resources that derive revenue or

income. The Company requests an exemption for the Show, which is the Company's only program.

The Show's staff consists of two volunteers; a fishing host, a kid's camp host, and the owner who sells the advertising, runs the business, and hosts kids tournaments, fly fishing and hunting episodes. The only paid person is an independent contractor who films, edits, produces, and distributes the Show (the "Paid Producer").

THE NATURE AND COSTS OF CLOSED CAPTIONING FOR THE PROGRAMMING

Dialogue on the Show consists of the fishing host and any guest talking about fishing and engaging in banter during the episode. The dialogue is secondary to the actual fishing action. Where the fishing occurs, the techniques being demonstrated through the filming, and the fish being caught are the primary focus of the Show. Even without closed captioning, a typical episode of the Show will have footage of the electronic graphical map that is mounted on the boat which shows what lake and a trail of where the boat went to catch fish.

The Company solicited vendors to perform closed captioning on its behalf. The best price received was \$150 per episode. The cost of shipping the media back and forth to the supplier is \$60 per episode. Therefore, the hard costs for the 52 annual episodes would be \$10,920 per year.

In addition, the producer/editor must proof read the closed captioning for accuracy. The producer/editor would require a minimum of 1 hour to ensure the text matches the audio. This cost at \$22.16 per hour would be \$1,150 annually. As a result, the total cost of closed captioning provided by an outside vendor would be \$12,070 per year. This assumes no rework is required for errors.

The Company evaluated the feasibility of doing closed captioning internally rather than through a contract vendor. An initial cash outlay of approximately \$7,000 would be required to purchase the necessary equipment. Currently, the Company does not own equipment of any type and all equipment for filming and producing the Show is owned by the Paid Producer. The Paid Producer does not have closed captioning equipment.

To perform this task internally, an additional staff person would have to be hired, at least on a part-time basis. The current Paid Producer has more than a full workload filming, editing, producing and distributing the Show each week. The additional workload of closed captioning is not realistic given all the other work the Paid Producer does in generating the Show each week. The cost of a part-time staff person to handle close captioning would be a minimum of \$100 per week for 4 hours of work. As a result, after an initial expense of \$7,000 for equipment the total operating cost of internal close captioning would be \$5,200 for the first year and at least \$5,200 per year thereafter. This assumes a local resource close to the Producer could be available to provide the service when needed without any other expense associated with recording media, shipping or transportation.

**THE IMPACT ON THE OPERATION
OF THE PROGRAM OWNER**

As more fully detailed below, gross revenue for the Company in 2011 was \$83,003, while expenses were \$91,075, resulting in a net operating loss of \$8,072. This net operating loss resulted in a prepayment by one of the Show's 2012 sponsors to continue the Show. A copy of 2011 financial statements for the Company is attached hereto as Exhibit A. The expense of closed captioning would have increased the total loss in 2011 to at least \$20,142 if closed captioning was done through a vendor, and at least \$20,272 if equipment were purchased and closed captioning was done internally.

In 2012 gross revenues for the Company are expected to be approximately \$107,500, while expenses are expected to be approximately \$107,885, resulting in a projected net operating loss of approximately \$335. A copy of the budget for 2012 with projected revenues and expenses is attached hereto as Exhibit B. Again, the expense of closed captioning in 2012 would eliminate any potential profit and produce a loss of at least \$12,405 or \$12,535, depending on whether closed captioning was done through a vendor or internally and including the necessary expense of paying the Producer for the required equipment.

The Show has a limited market and limited revenues which are flat and fairly consistent from year to year. There are no reasonable prospects of expanding the Show to generate more revenues. The Show is intended to be, and will continue to be, a regional weekly show based on bass fishing in a limited geographic area with an additional focus of engaging kids and veterans.

Dedication and enthusiasm for local bass fishing makes the Company willing to produce the Show despite operating losses and uncertain prospects for small profits. The Show fills a niche for viewers interested in bass fishing in the Texas region and has done so for 26 years. While the Company is not a charitable organization and would like to make a profit each year, the Show exists primarily to promote fishing and the outdoors. The focus is on public access lakes and the Show provides information and education to local fishermen. The Company also gives to the community by organizing, operating and televising tournaments for inner city youth, children with cancer, and veterans. The foregoing information is not provided in an effort to obtain favorable Commission consideration of inappropriate factors, but to provide an understanding of why the Company has continued the Show in the face of operating losses and marginal profit prospects.

However, the Company is not able to continue the Show at the significant loss that closed captioning will guaranty. Therefore, the capital and operating expense of closed captioning will not only hinder the production and distribution of the Show, but will likely result in termination of the Show. All viewers, kids and veterans will suffer the loss.

FINANCIAL RESOURCES OF THE PROGRAM OWNER

The assets of the Company are as follows:

Cash	\$43,651.43 ¹
Library of Program Tapes	

The only sources of revenue for the Company are advertising and video sales. The Company's primary source of revenue is from the sale of advertising, which totaled \$82,700 in calendar year 2011. The Show has 6 sponsors. These sponsors receive advertising time and opportunities to appear on the Show. One sponsor provides a boat used for fishing and filming the Show, another the financing of the boat, a third supports the kids and veterans events the Company does each year, and another provides web support.

The only other source of revenue is from the sale of program DVDs and Video Tapes of the Show, which generated income of \$302.95 in calendar year 2011. The majority of viewers record the Show with their own DVRs, so video sales are negligible and deteriorating. Year to date 2012 video sales are \$16.24.

While total income for 2011 was \$83,002, operating expenses totaled \$91,075 as follows:

Independent Contractor/Producer Costs	\$ 42,000
Broadcast Fees	69,625
Travel, Tournaments, Shipping, Misc	8,190
TOTAL	\$ 91,075

Details on revenues and expenses are provided in Exhibit A.

In 2012, the Company has budgeted advertising revenues of approximately \$107,500. Total expenses for 2012 are budgeted at approximately \$107,885. Therefore, net operating loss of approximately \$335 is expected. Detail on projected revenues and expenses for 2012 is contained in Exhibit B.

The Company continuously seeks to increase advertising revenue. However, at this time the Company has no prospects for new contracts and no prospects for additional advertising revenue from existing contracts. As more fully discussed below, the Show airs in early time slots in a limited geographic area, and does not attract a sufficient audience to generate much revenue. It is clear there is a limit to the revenue the Show can produce given the relatively flat revenue the Show has experienced. The Show is only able to continue with the help of the current sponsors who believe in what the Company is doing.

¹ Balance as of June 22, 2012. Most advertising payments are made in the 1st quarter.

Multiple additional sponsors have been approached to increase advertising revenue, with no success to date. The Show has a boat sponsor, boat dealer, vehicle sponsor, fuel sponsor, web site sponsor, and kids/veterans tournament sponsor. There are not any major product placement segments remaining that fit well into the bass fishing model. Big box retailers, fishing line and lure companies as well as national companies are only interested in national programs and have not been willing to sponsor the Show. Unsuccessful proposals have been submitted to Bass Pro Shops, Academy Sports, Cabela's, Chevrolet, Whataburger, Taco Bueno, AgPro and dozens of others.

The television stations that air the Show are not willing to bear any of the cost of closed captioning as evidenced by the emails attached hereto as Exhibit C.

The Company has sought additional sponsorship sources or other sources of revenue for closed captioning, but those efforts have not produced assistance. Assistance has been requested from, and declined by, all current sponsors as well as the TV station, KDFI My 27. Copies of emails from current sponsors declining closed captioning assistance are attached hereto as Exhibit D.

The Company operates on a shoe string budget with limited resources. Limiting expenses is a constant battle, and more than once the Company reached the point where lack of advertising revenue almost resulted in termination of the Show. If expenses increase or advertising revenue declines, the Company may not survive. The significant difficulty and expense of closed captioning is an economic burden the Company cannot withstand.

THE TYPE OF OPERATIONS OF THE PROGRAM OWNER

Information on the operations of the program owner is provided above and below. As stated, the Show is the only operation of the program owner. All resources of the Company are devoted to the Show. The Company operates with one paid independent contractor, who is the Paid Producer that films, produces, edits and distributes the Show. Otherwise, the Company relies on the efforts of volunteers and the owner of the Company. The owner of the Company does not receive any salary, and does not take any distributions as owner of the Company. Other than the Show, the Company has no other activities, operations or mission. Other than the revenues detailed above, the Company has no resources that could be used to pay the expense of closed captioning.

The primary broadcast outlet for the Show is KDFI Channel 27, located in Dallas-Fort Worth Metroplex. KDFI charges the Company a fee of \$500 per episode to air the Show. As noted above, KDFI will not provide closed captioning assistance.

The Show is on a regional cable channel that airs outside of the closed captioning window at 5:30 a.m.

The Show also is on local television in Tyler/Lufkin, Texas at 5:00 a.m., also outside of the closed captioning window.

Finally, the Show airs in Camp Verde, Arizona at the request of the owner of local station TV18 because he loves bass fishing. He pays nothing and charges nothing. He changes the time the Show is aired, but it is currently aired Sundays at 10:30 a.m. If relevant to the requested exemption, the Company can discontinue airing in Camp Verde, or ask to change the time outside the closed captioning window.

OTHER FACTORS RELEVANT TO EXEMPTION DETERMINATION

In addition to the direct economic burden and significant expense that the closed captioning requirement would impose on the Company, it also impacts the Company in several ways that the Company considers harmful:

1. *Program Scheduling.* The Show is filmed once per week. Filming requires one full day, while editing takes another 4 or 5 days. Each show is distributed on Monday for airing the following Saturday or Sunday. The very essence of the Show is providing timely information on bass fishing and hunting. The addition of closed captioning to the production schedule would mean that each Show would air an additional week later after filming because the production schedule currently has the Show being completed on the last day of a deadline for shipment to have it aired during the upcoming weekend. The delay would significantly reduce the value of the information the Show provides our viewers, consisting mostly of avid fishermen and hunters. Even in a week, wildlife can significantly change their patterns. For example, the spawn in the spring for bass lasts only a few weeks. In the case of hunting, the seasons are relatively short so hunting shows are produced the first week of a particular hunting season so viewers can use the techniques we show before the season ends. The viewers use the programs as their guide to outdoor sporting opportunities that exist in particular places at particular times. The time required to closed caption would eliminate that element of being current that the viewers expect from the Show.

2. *Format.* The format of the Show uses a host, a guest and a single cameraman. In the case of the fishing programs, when a fish is caught, the camera has a picture of the fisherman and then his catch in an inset at the bottom of the screen. Closed captioning would eliminate either the fish or the fisherman depending on where it is placed on the screen. In addition, programs often demonstrate techniques and tackle which require the whole screen to show properly.

3. *Workload.* As previously mentioned, the only paid person connected with the program, namely the Paid Producer, is already fully occupied with the activities of filming, producing, editing and distributing the Show each week. Therefore, the editing of the closed captioning would have to be outsourced or an additional staff person would have to be hired, at least on a part-time basis. Again, budgetary constraints do not allow for the additional expense associated with either alternative, even if a qualified part-time person could be located.

**ALTERNATIVES THAT COULD BE A REASONABLE SUBSTITUTE
FOR CLOSED CAPTIONING**

The Company offers the following as reasonable substitutes for closed captioning, if an exemption is granted:

1. A fishing tournament for hearing impaired children, that would serve as the basis for a program that would be closed captioned. Tournament participants would receive a free DVD of the program.
2. The addition of a graphic for large fish, the size of which are currently only identified orally.
3. Continuation of the regular use of geographic maps to show where the fishing is occurring, and more frequent graphics showing the name of the bait or brand name of the tackle or other product being demonstrated.
4. Provide hearing impaired viewers the opportunity to purchase DVDs of individual episodes with closed captioning at the Company's production and captioning costs.
5. Add closed captioning as annual net profit reaches or exceeds \$50,000 or the Company finds an underwriter, sponsor or other financial assistance for the costs of closed captioning.

CONCLUSIONS

As shown by this Updated Petition, the Commission should grant an exemption from the closed captioning requirements in this case. In this individual case closed captioning would be economically burdensome and result in significant difficulty and expense that the Company cannot bear. The cost of captioning would be excessively high in relation to the Company's limited revenues, and would result in increased operating losses. As a consequence, and because of its limited assets, the Company may have to cease operations and stop the production and distribution of the Show if it is forced to bear the expense of closed captioning. The Company's type of operation and financial resources are different in kind and magnitude from a mainstream program provider.


If an exemption is granted, the Company recognizes that changes in technology, the economics of captioning or the financial resources of the Company may result in a change of the exemption in the future.

An Affidavit to Support Updated Petition is attached hereto as Exhibit E and verifies all facts, financial information and statements made herein. If this Updated Petition inadvertently omits any information you need, or if the Company can otherwise answer any questions you have, please contact the undersigned. If any information under a category heading should be contained under another category heading, please consider the information under the appropriate

heading. Thank you for your consideration of this Updated Petition, and I hope the Company is able to continue the Show.

Respectfully submitted,

R. C. BOYD ENTERPRISES, LLC

By: 
RANDALL C. BOYD,
Managing Member and President

1 Hunters Ridge Lane
Trophy Club, TX 76262
817-691-7775
info@alloutdoorstv.com

Exhibit A

2011 R C Boyd Enterprises LLC- Honey Hole All Outdoors Television
Income Statement:

	2011
income	<u>(\$'s)</u>
Goff Foundation	10,000
MCMC	25,000
Chevron	35,000
Bass Champs	2,000
Alpha Pest Control	500
Legend Boats	8,740
Fun 'N Sun	1,500
Video Sales	<u>435</u>
Total	83,175
Expenses	
Cable provider	13,260
KDFI My 27	27,625
Producer	42,000
Other costs:	8,190
(tournaments, travel, shipping, miscellaneous)	<u></u>
Total	91,075
Net Profit/Loss	-7,900

Exhibit B

2011 R C Boyd Enterprises LLC- Honey Hole All Outdoors Television Income Statement

	2012
Income	<u>(\$'s)</u>
Goff Foundation	10000
MCMC	25000
Chevron	72000
Alpha pest for vets tourna	500
Video Sales	200
Total	<u>107700</u>
Expenses	
Cable provider	13,260
KDFI My 27	27,625
Producer	46,000
Tournament entry fees for host/Chevron	7,000
Chevron Boat wrapping	2,000
Kids/Vets tournaments, travel,	11,500
shipping, commercial production for Chevron	
(tournaments, travel,	
shipping, miscellaneous)	
Total	<u>107,385</u>
Net Profit/Loss	315

Exhibit C

Television station request for closed captioning support/reimbursement:

1. **KDFI My 27** local secondary Fox station in DFW Texas area. Their response is attached.
2. **Channel 7/9 Tyler/Lufkin**, Texas airs Saturdays at 5 am and is therefore exempt from the closed captioning requirement.
3. **Fox Sports SW** airs Sundays at 5:30 am and is therefore exempt from the closed captioning requirement.
4. **Channel 18 in Camp Verde, AZ** is a low power local. Their response is attached. We are prepared to discontinue airing on this station if it is deemed relevant to the decision on the closed captioning by the FCC. An alternative is to mandate Channel 18 to air outside of the closed captioning window. We provide the program at no charge to them at their request and we don't pay them for airing it. It is not an important outlet for the program.

Subject: FW: Closed Captioning
Date: Monday, June 18, 2012 9:28 PM
From: Randall Boyd <randallboyd@verizon.net>
To: Gary Garrett <ggarrett@RoseLawFirm.com>

Here is the station's response on my request to get them to pay for closed captioning.

----- Forwarded Message

From: Robert Hall <Robert.Hall@FOXTV.COM>
Date: Mon, 21 May 2012 11:44:01 -0400
To: Randall Boyd <randallboyd@verizon.net>
Subject: RE: Closed Captioning

Hi Randall,

Our station group doesn't pay for close-captioning for any client unfortunately. Let me know if you need anything else, boss.

Thanks,

Bobby Hall
FOX Stations Sales, Inc. | Account Executive
P) 310.447.5302 | F) 310.447.5304
Robert.Hall@foxtv.com <mailto:Robert.Hall@foxtv.com>

From: Randall Boyd [mailto:randallboyd@verizon.net]
Sent: Monday, May 21, 2012 8:41 AM
To: Robert Hall
Subject: Closed Captioning

Bobby,

The FCC has requested an updated petition from us to continue our closed captioning waiver. One of the criteria is to confirm the television station will not pay for the closed captioning costs.

Is KDFI/MY 27 prepared to pay for the cost of providing closed captioning for Honey Hole All

Outdoors?

Thank you,
Randall Boyd

----- End of Forwarded Message

Subject: RE: Honey Hole All Outdoors Closed Captioning
Date: Friday, June 29, 2012 8:02 AM
From: Sherry <slyfox@commspeed.net>
To: Randall Boyd <randallboyd@verizon.net>

Dear Randall,

TV 18 in Camp Verde, AZ is not able at this time to pay for closed captioning on your show.
Thanks.

Sherry Young,

Swecretary/Treasurer

From: Randall Boyd [mailto:randallboyd@verizon.net]
Sent: Friday, June 29, 2012 5:40 AM
To: slyfox@commspeed.net
Subject: Honey Hole All Outdoors Closed Captioning

George,

Can you help pay for the cost of closed captioning for our show?

Thank you,
Randall Boyd

Exhibit D

Request for sponsors to participate in paying for closed captioning

All sponsors were solicited for support and all of their responses are attached.

Subject: RE: Closed Captioning
Date: Wednesday, June 27, 2012 4:04 PM
From: Ben Jarrett <Ben_jarrett@Yamaha-motor.com>
To: Randall Boyd <randallboyd@verizon.net>

Randall,

Thanks for your inquiry about our current sponsorship package.

At this time we are not in a budget position to re-negotiate our current agreement towards the cost to fund close captioning for Honey Hole Outdoors.

We appreciate your understanding in advance on this matter.

Sincerely,

Ben Jarrett
Director of Sales and Marketing
Skeeter Products Inc.
One Skeeter Road - Kilgore - Texas - 75662
903.983.5640 Office - 903-984-0541 Main - 903-984-4908 Fax
ben_jarrett@yamaha-motor.com
www.skeeterboats.com

From: Randall Boyd [mailto:randallboyd@verizon.net]
Sent: Wednesday, June 27, 2012 2:29 PM
To: Ben Jarrett
Subject: FW: Closed Captioning

----- Forwarded Message

From: Randall Boyd <randallboyd@verizon.net>
Date: Thu, 21 Jun 2012 20:00:44 -0500
To: Ben Jarrett <ben_jarrett@yamaha-motor.com>
Conversation: Closed Captioning
Subject: Closed Captioning

Ben,

Subject: RE: Closed Captioning

Date: Friday, June 22, 2012 8:41 AM

From: Jill Goff <jegoff@goffcp.com>

To: Randall Boyd <randallboyd@verizon.net>

Randall,

The Goff Family Foundation will not be able to contribute any additional funds for closed captioning for Honey Hole Outdoors.

Best,

Jill Goff

Jill E. Goff

Executive Director

The Goff Family Foundation

500 Commerce St., Ste. 700

Fort Worth, TX 76102

817-509-3966 office

817-773-7711 mobile

From: Randall Boyd [mailto:randallboyd@verizon.net]

Sent: Thursday, June 21, 2012 9:40 PM

To: Jill Goff

Subject: Closed Captioning

In addition to your current sponsorship package are you prepared to contribute any additional funds towards the cost to provide closed captioning for Honey Hole All Outdoors?

Thanks,

Randall Boyd

Executive Producer

Honey Hole All Outdoors

Subject: Re: Fun "N Sun Closed Captioning
Date: Wednesday, June 27, 2012 8:15 PM
From: Monte Monte <monte@funnsunboats.com>
To: Randall Boyd <randallboyd@verizon.net>

No
Monte Reagan

#1Skeeter dealer in the U.S.A.

On Jun 27, 2012, at 3:29 PM, Randall Boyd <randallboyd@verizon.net> wrote:

Fun "N Sun Closed Captioning In addition to your current sponsorship package are you prepared to contribute any additional funds towards the cost to provide closed captioning for Honey Hole All Outdoors?

Thanks,
Randall Boyd
Executive Producer
Honey Hole All Outdoors

Subject: RE: Closed Captioning
Date: Friday, June 22, 2012 5:18 AM
From: Fickling, Raymond (raym) <raym@chevron.com>
To: Randall Boyd <randallboyd@verizon.net>

no

From: Randall Boyd [mailto:randallboyd@verizon.net]
Sent: Thursday, June 21, 2012 9:40 PM
To: Fickling, Raymond (raym)
Subject: Closed Captioning

In addition to your current sponsorship package are you prepared to contribute any additional funds towards the cost to provide closed captioning for Honey Hole All Outdoors?

Thanks,
Randall Boyd
Executive Producer
Honey Hole All Outdoors

Subject: Re: Closed Captioning Support
Date: Thursday, June 21, 2012 8:31 PM
From: Todd Todd <todd@primesiteweb.com>
To: Randall Boyd <randallboyd@verizon.net>

Not at this time. Thank you.

On Jun 21, 2012, at 9:38 PM, Randall Boyd wrote:

Closed Captioning Support

In addition to your current sponsorship package are you prepared to contribute any additional funds towards the cost to provide closed captioning for Honey Hole All Outdoors?

Thank you,
Randall Boyd
Executive Producer
Honey Hole All Outdoors

Todd Hoeft, Managing Partner
817-945-6628 | eFax 650-560-2741
PrimeSite Web Solutions, a web development and media company
web design | web programming | digital video | digital audio | media
duplication
Box 822701, Fort Worth, Texas 76182-2701
<http://www.primesiteweb.com> <<http://www.primesiteweb.com/>>

Like us on Facebook for tips, updates and special discounts <<http://www.facebook.com/PrimeSiteWeb>>

All pricing quoted is valid for 30 days.
Terms and Policies <<http://www.primesiteweb.com/terms>> | Pay Online <<http://www.primesiteweb.com/pay>> | Ask about EFT Payments | Need a referral? Ask me!

Subject: Re: Closed Captioning funding request
Date: Thursday, June 28, 2012 5:44 PM
From: Roy Carlson <rcarlson@mcmcauto.com>
To: Randall Boyd <randallboyd@verizon.net>

No!

Sent from my iPhone

On Jun 27, 2012, at 3:24 PM, Randall Boyd <randallboyd@verizon.net> wrote:

Closed Captioning funding request In addition to your current sponsorship package are you prepared to contribute any additional funds towards the cost to provide closed captioning for Honey Hole All Outdoors?

Thanks,
Randall Boyd
Executive Producer
Honey Hole All Outdoors

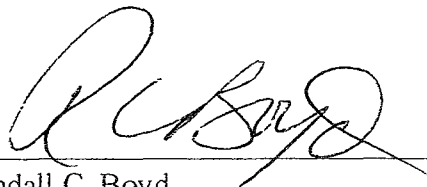
Exhibit E

AFFIDAVIT TO SUPPORT UPDATED PETITION

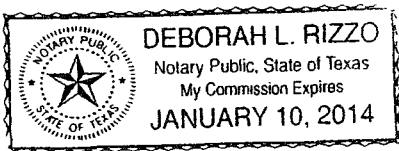
STATE OF TEXAS §
 §
COUNTY OF TARRANT §

Before me, the undersigned authority, on this 29 day of June, 2012, personally appeared Randall C. Boyd, in his capacity as President and sole Member of R. C Boyd Enterprises, LLC, the petitioner in the foregoing updated petition for closed captioning exemption dated June 29, 2012 (the "Updated Petition"), and being duly sworn on oath deposes and avers as follows:

1. I have personal knowledge of all facts, statements and representations made or contained in the Updated Petition and Exhibits thereto
2. All facts, statements and representations made or contained in the Updated Petition and Exhibits thereto are true and accurate in substance and fact.
3. All historical and projected financial information provided in and with the Updated Petition is true and accurate


Randall C. Boyd

SWORN TO AND SUBSCRIBED BEFORE ME, by the said Randall C. Boyd this 29 day of June, 2012, to certify and witness my hand and seal of office.




Notary Public, State of Texas

My Commission Expires:

1-10-2014